

### REMARKS

Claims 1-23 are pending. Claims 10 and 19 are deemed to be allowable.

Claims 1-9, 11-18 and 20-23 stand rejected.

The independent claims have been amended herein to clarify applicant's claimed invention. For example in applicant's claim 1 a policy server is connected to the ingress node and instructing the ingress node to set up the layer 2 paths and the ingress node sets up the layer 2 paths between the plurality of label switch nodes from the network ingress to the network egress, based on an instruction given by the policy server.

#### Claim Rejections

Claims 1-7, 11-16 and 20-23 are rejected under 35 U.S.C. § 102(e) as anticipated by Gibson et al. (U.S. 6,680,943)(hereinafter Gibson) and claims 8-9 and 17-18 are rejected as unpatentable under 35 U.S.C. § 103(a) over Gibson in view of McAllister (previously cited).

It is respectfully submitted that the cited references, Gibson and McAllister, do not disclose or teach singly or in combination at least the following features of the independent claim 1, 11 or 20.

In applicant's claimed invention the policy server is instructing the ingress node to set up the layer 2 paths in compliance with policy control protocols when at least one of a user makes a request or a status change in the network arises and the ingress node sets up the layer 2 paths between the plurality of label switch nodes from the network ingress to the network egress, based on an instruction given by the policy server.

Therefore with applicant's claimed invention the policy server needs only to deliver to the ingress node the control information for the flow control (for example, setting of a path, collection of the information regarding the situation ) for each node constituting the path.

Gibson in contrast describes that a plurality of node stages are provided for flow control, and that the flow control is performed while the control information is delivered to each node in the label switch network. Each node is responsible for the path setting.

Gibson discloses selecting and setting routes for the path in the label switch network, wherein a plurality of routes are selected within the label switch network by using an "INVITE message" or an "OK message" of SIP (Session Initiation Protocol).

Candidates routes for selection are transmitted to a node for flow controlling, and that node determines the route. The condition of the network required for preparing the route candidates is managed within the label switch network by utilizing a "REGISTER message" of SIP.

For example, in Gibson, the network nodes CM (31) and EP (11) shown in Fig. 1 thereof have the function of extracting a plurality of paths and determining their order of priority, and an "Admin Server" determines a path to be set from the candidates extracted in CM and EP based on the order of priority and the like (see Column 20, line 15 – Column 21, line 15 of Gibson).

Thus, Gibson requires the processing by a plurality of kinds of low control nodes ("Admin Server", CM and EP) and the complicated protocol processing for selecting a route for the path, and consequently, the cost required by the nodes becomes great. Further, with the Gibson reference, since the plurality of path candidates are extracted and selected, the "Admin Server" requires a waiting time until it receives the candidates for the plurality of routes for the path, and the CM and EP requires a processing time for transmitting/receiving a message of the SIP (see Column 25, lines 15-20), and , consequently, it is inevitable that the processing efficiency and the processing speed are lowered.

In the result, the present invention is so configured that the direct flow control for each node in the label switch network is performed by the ingress node, wherein the policy server gives the instruction to only the ingress node of the label switch network, and, in addition, it is suffice to collect the information from only the ingress node, so that for the node for flow control, only a singly node of the policy server is sufficient. Thus, with the present invention, the flow control is performed efficiently and at a low cost.

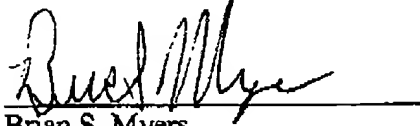
On the contrary, the Gibson reference is so configured that plurality of node stages are provided for flow control, and that the flow control is performed while the control information is delivered to each node in the label switch network. Thus, an overhead for flow control including setting of a path, etc., becomes great, which, in turn, results in cost increase. Specifically, the Gibson reference does not disclose or teach the configuration of the present invention, wherein the ingress node is a base for performing the flow control of the label switch network, and the flow control of each node in the label switch network is performed by the policy server by communicating with only its ingress node.

Each of the dependent claims provides at least the distinguishing features as pointed out above. Accordingly, the present invention is distinguishable from the Gibson and McAllister references. Further, with the present invention, the time required for determining the route of the path is only the processing time in the policy server, and the time for transmitting/receiving a message in each network node and its waiting time are not involved.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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